

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION



ADAM HORNSBY #1589373

Plaintiff's Name and ID Number

HUGHES UNIT RT2 BOX4400 GATESVILLE TX, 76597

Place of Confinement

CASE NO. 6:21CV354 JDK/KNM

(Clerk will assign the number)

v.

LT. BRYANNA BEUSCH:BETO UNIT, 1391 FM 3328 Tennessee Colony, Tx, 75880

Defendant's Name and Address

CO. JASON COFER:BETO UNIT, 1391 FM 3328 Tennessee Colony, Tx. 75880

Defendant's Name and Address

CO. JUSTIN STREET:BETO UNIT, 1391 FM 3328 Tennessee Colony Tx. 75880

Defendant's Name and Address

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____
2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
3. Court: (If federal, name the district; if state, name the county.) _____
4. Cause number: _____
5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?) _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: HUGHES UNIT RT2 BOX4400 Gatesville tx 76597

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ADAM HORNSBY#1589373

ALFRED D.HUGHES UNIT RT2 BOX 4400 Gatesville Tx.76597

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: BRYANNA BEUSCH:LIEUTENANT :ON BETO UNIT

1391 FM 3328 Tennessee Colony Tx.75880

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

ILLEGALLY ORDERED THE "BEAT DOWN" AND PERSONALLY PEPERSPRAYED INMATE

Defendant #2: JASON COFER:CO.GUARD :ON BETO UNIT

1391 FM 3328 Tennessee Colony Tx.75880

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

ILLEGALLY, BODYSLAMED ,HANDCUFFED,BROKE BONES,VIOLATED CIVIL RIGHTS,ADA

Defendant #3: JUSTIN STREET:CO.GUARD: ON BETO UNIT

1391 FM 3328 Tennessee Colony Tx.75880

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

OBAYED ILLEGAL ORDERS AND REPETLY PUNCHED ME IN THE FACE

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

GEN.OVERVIEW:On BETO UNIT on 9-2-2020,I was beatup by officers and my and my bones were broken;on the orders of LT.Beusch,at approx.2;45PM at Transient F129,she ordered me to be placed in handcuffs,I tried to show my "NO CUFF PASS",she ignored me,ordered the door rolled and ordered officer[JUSTIN STREET] to go in the cell and "BEAT HIS ASS",officer[JASON COFER]then entered the cell where he picked me up and slamed me on my right injured shoulder and fractured my right wrist,officer[JUSTIN STREET] then entered the cell punching the leftside of my face,the rightside was bouncing off the concretfloor..NO TDCJ"S RULES OR POLICIES WERE CONTINUED ON V. 4-A

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Grant Compensatory Damages, Nominal Damages and Punitive Damages. Fire employees and not allow them to do it again willing to litigate.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

ADAM HORNSBY,ADAM LEE HORNSBY,ADAM OR LEE

B. List all TDCJ-CID identificaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

FBI#113091AC9 ; TDCJ #1589373 ; MASS-DOC#W82589

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

V. PG 4-A-continued ;

FOLLOWED IN THE IMMPROPER "USE OF FORCE", to illegally justify the highly illegal beatdown of a handiecap person; violating Tx.penal Codes; 39.01 ABUSE OF OFFICE; 39.02 ABUSE OF OFFICIAL CAPATCITY (a) WITH INTENT TO HARM : 39.03 OFFICIAL OPPRESSION (a)AN ACT DONE UNDER THE COLOR OF OFFICE: 8TH AND 14TH AMEND. STATE AND FEDERAL LAWS, TITLE 18USC CODE 242:IT"S A CRIME FOR A PERSON ACTING UNDER THE COLOR OF LAW TO WILLFULLY DEPRIVE A PERSON OF A RIGHT OR PRIVILEGE PROTECTED BY CONSTITUTION. FURTHER VIOLATING TX.PEN.CODE 39.04 .

INMATE"S CLAIM"S

CLAIM#1) LT.BEUSCH,while working on TDCJ"S BETO UNIT AT 1391 FM 3328 tennessee colony Tx,75880; MRS.BEUSCH,DID KNOWINGLY,GIVE AN ILLEGAL ORDER TO OFFICERS CO.? JUSTIN STREET AND JASON COFER,AT APPORX.2;45 PM TO ENTER CELL F129 AND "BEAT HIS ASS"..VIOLATING ALL STATE AN FEDERAL LAWS,TDCJ"S RULE"S AND POLICIES AS WELL AS A.D.A."S CRIMES AGAINST A HANDIECAP PERSON.

CLAIM #2) OFFICER JASON COFER, WHILE WORKING ON TDCJ"S BETO UNIT, AT 1391 FM 3329 Tennessee colony ,Tx.75880,MR.COFER,AT APPROX.2;47PM, DID IN FACT,KNOWING HIS ACTIONS WERE ILLEGAL,ENTER CELL F129 AND PICK UP INMATE ADAM HORNSBY #1589373,WHO WAS NOT RESISTING IN ANY MANNER, AND SLAMED HIM ON HIS RIGHTSIDE PRE-INJURED SHOULDER, IN WHICH INMATE WAS SENT TO THE UNIT FOR THERAPY, THEN VIOLATED TDCJ"S MADICIAL PASS"NO CUFF PASS",BY ILLEGALLY PLACING THIS INMATE IN CUFFS AS TIGHTLY AS POSABLE,THIS WAS ALL DONE WITHOUT THE REQUIRED "USE OF FORCE VIDO", POPING SHOLDER OUT OF PLACE AND FRACTURING RIGHT WRIST.

CLAIM #3) OFFICER JUSTIN STREET, WHILE WORKING ON TDCJ"S BETO UNIT

continued on V pg4 B

CLAIMS CONTINUED PG 4-B

AT 1391 FM 3328 Tennessee Colony Tx.75880, at Appox.2;49 PM, KNOWING HIS ACTIONS TO BE ILLEGAL, ENTERED CELL F129, AFTER INMATE ADAM HORNSBY WAS ALLREADY HANDCUFFED AND CHAINED, PROCEEDED TO PUNCH THIS INMATE ON THE LEFTSIDE OF MY FACE, SLAMING THE RIGHTSIDE INTO THE CONCRETE FLOOR.

CLAIM # 4) UNKNOWN OFFICER'S TRIED TO COVERUP CRIMINAL CONDUCT OF CO-WORKERS BY FAILING TO PROPERLY INVESTAGATE GRIEVANCE STEP 1 FILED ON BETO UNIT ON 9-7-2020 #2021003195, VIOLATING TX, PENAL CODE 37.10 and 37.10 (a) ORGINIZED CRIME.

FACTS TO SUPPORT CLAIMS

A) SERGEANT BRADLEY, THE USE OF FORCE VIDO OPERATOR, ON BETO UNIT CAN TESTIFY THAT LT. BRYANNA BEUSCH ORDERED THE ICS BUT FAILED TO WATE FOR THE VIDO BEFORE ENTERING THE CELL AND ENGAGING INMATE, PROVING OF THE CRIMINAL INTENT AND IN VIOLATION OF TDCJ'S RULE'S OF ENGAGEMENT DURING THE USE OF FORCE, AND THE FACT THAT EVEN THOUGH THIS INMATE WAS HANDCUFFED LAYING ON THE FLOOR, SHE, LT. BEUSCH WITHOUT ANY LEGAL REASON WHY PEPERSRAYED INMATE HORNSBY #1589373.

B) SERGEANT LARSEN ORDERED WATER IN CELL TURNED OFF AND NO SHOWER, THIS INMATE STILL HAD PEPERSRAY ON HIM AT 4;00PM APPOX.

C) ON APPOX. 9-5-2020 SERGEANT WILLCOXSON, FINDLY CALLED MEDICIAL DEP.

D) ON 9-5-2020 I WAS SEEN BY RN DONNA KING, X-RAYS WERE ORDERED, AND ORDERED TO SEE PROVIDER, AT THIS TIME I WAS TOLD "[NO] USE OF FORCE MEDICIAL REPORT WAS FILED", AND FURTHER ORDERED LVN REEVES TO PERFORM
continued on V pg 4-C

continued PG 4-C

FACTS TO SUPPORT CLAIMS CONTINUED

D) EYE TEST AND GIVEN PAIN PILLS

E) PLACED STEP 1 GRIEVANCE IN BOX ON 9-8-2020.

F) ON 9-10-2020 I WAS CHAINED BUSED BACK TO HUGHES UNIT IN GATESVILLE I WAS NOTIFIED BY LVN S.JACOBS, THAT THE X-RAYS FROM BETO UNIT WAS SHOWING A BROKEN WRIST BONE.

G) ON 9-18-2020, ON HUGHES UNIT, I WAS SEEN BY PA TOGO WHO DIAGNOSED A DISLOCATION OF SHOULDER GURDLE, FORM THE USE OF FORCE.

FALSIFIED GRIEVANCE INVESTIGATION

H) ON 10-15-2020 THE STEP1 ,REPLY BY ASST.WARDEN W.J.WHEAT STATED:

"INSUFFICIENT EVIDENCE TO SUPPORT OIG INVESTIGATION"

I) ON 10-23-2020 ,A T.PHILLIPS STATED:

"INSUFFICIENT EVIDENCE, NO FURTHER ACTION WILL BE TAKEN".

J) HUGHES UNIT OIG FOUND THERE IS NEED TO INVESTIGATE AND WAS SEEN ON 1-7-2021..

- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): _____
 2. Case number: _____
 3. Approximate date warning was issued: _____

Executed on: 8-25-21
DATE

Adam Hornsby
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 25 day of August, 20 21.
(Day) (month) (year)

Adam Hornsby

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.